



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
THEODORE KOZLOWSKI, RN : ADMINISTRATIVE ACTION
License No. 26NR13492400 :
TO PRACTICE NURSING IN THE STATE :
OF NEW JERSEY : FINAL ORDER OF
DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Theodore Kozlowski ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 22, 2012, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 to May 31, 2014.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 to May 31, 2012. Respondent

answered "Yes" and certified that answer by submitting the online application.

4. On or about May 29, 2014, Respondent completed and submitted an online biennial renewal for the period of June 1, 2014 to May 31, 2016.

5. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application.

6. Upon receipt of a flagging notice indicating that Respondent was arrested on October 14, 2013 by the Bridgewater Township Police Department for violation of N.J.S.A. 2C:12-1A, the Board sent a letter of inquiry requesting information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education, to Respondent's address of record in Bridgewater, New Jersey, via regular and certified mail on or about October 18, 2013. The regular mailing was not returned; the certified mailing has yet to be claimed after notice was left at Respondent's address.

7. To date, Respondent has not responded to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), licensees are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), licensees are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the required continuing education credits. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Based upon the above finding, the Board further finds that Respondent is deemed to have engaged in the use of dishonesty and misrepresentation during the license renewal process by providing a false answer to the continuing education question, which subjects Respondent to discipline pursuant to N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 16, 2014, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, and furnished a complete response to the Board's original inquiry, indicating

that the Board's letter may have been misplaced, or confused with a neighbor's mail. He also documented completion of continuing education requirements for the 2010-2012 and 2012-2014 biennial period, however all sixty contact hours that he documented were completed after June 1, 2014. Consequently, the Board determined that suspension was no longer applicable, but that it had been clearly established that respondent did not timely complete his continuing education requirements for the 2010-2012 and 2012-2014 renewal periods, and that he engaged in misrepresentation on his 2014 renewal application with respect to continuing education. The Board therefore found that finalization of the Provisional Order with the reprimand and civil penalties was appropriate.

ACCORDINGLY, IT IS on this 10th day of October, 2014,

ORDERED that:

1. A reprimand is hereby imposed on Respondent for falsifying the continuing education information on his license renewal application.

2. Respondent is hereby assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred

and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Only continuing education completed subsequent to August 19, 2014 may be utilized by respondent in order to satisfy continuing education requirements for the 2014-2016 licensing cycle.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN
President